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June 24, 2019

**VIA ECF**

Honorable Robert Kugler, U.S.D.J.  
U.S. District Court - District of New Jersey  
Mitchell S. Cohen Building & US  
Courthouse  
1 John F. Gerry Plaza, Courtroom 4D  
4th and Cooper Streets  
Camden, NJ 08101

Honorable Joel Schneider, U.S.M.J.  
U.S. District Court - District of New Jersey  
Mitchell S. Cohen Building & US  
Courthouse  
1 John F. Gerry Plaza, Courtroom 3C  
4th and Cooper Streets  
Camden, NJ 08101

Re: IN RE: VALSARTAN PRODUCTS LIABILITY LITIGATION  
Civil No. 19-2875 (RBK/JS)

Dear Judge Kugler and Judge Schneider:

This letter is submitted on behalf of the Plaintiffs in advance of the June 26, 2019 case management conference. We address the agenda items in the order previously submitted.

**1. Discovery Confidentiality Order:**

The Court resolved the final remaining issue and the DCO can be entered.

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**2. Status of Short Form Complaint:**

The parties are in the process of conferring regarding the Short Form Complaint. Plaintiffs provided a redline to Defendants on June 21, 2019, and the form can be finalized at the conference if any issues remain.

**3. Status of Plaintiff Fact Sheets:**

Defendants served a form of PFS on Plaintiffs which, from Plaintiffs' perspective is overly burdensome. Plaintiffs will be providing a response, but there will be many issues to be discussed between the parties. The parties have conferred and jointly agree that the conference at the end of July 2019 should be targeted to address disputes.

**4. Status of Stipulated Dismissal Process:**

The parties continue to negotiate the stipulated dismissal process. Defendants provided a draft to Plaintiffs on Sunday, June 16. Plaintiffs responded with detailed thoughts on Defendants' proposal on June 21. We look forward to continuing a productive discussion and hope that the parties can resolve all issues.

**5. Coordination of Non-MDL Matters:**

Plaintiffs agree that to the extent contamination cases are filed involving other sartans, it is most efficient to have those cases coordinated with the MDL.

**6. Inclusion of Losartan/Irbesartan in MDL:**

Plaintiffs intend to file an application with the JPML requesting that Losartan and Irbesartan contamination cases be folded into this existing MDL. Plaintiffs have requested that Defendants confirm that they will join in this request. At the most recent conference, Defendants'

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liaison counsel indicated that a number of the Defendants are in agreement, but some had not yet indicated a position. Plaintiffs look forward to discussing the timing of the application, and the Defendants' position.

**7. Master Complaints/Process for Motions to Dismiss:**

On June 21, 2019, Defendants indicated that they want to work toward setting a briefing schedule for motions to dismiss, apparently in the near term. The Defendants previously raised this issue with the Court, and the Court advised the parties that motions to dismiss will not be permitted until a later stage in the litigation. In accordance with the Court's clear statements to defense counsel on the record, Plaintiffs have advised Defendants that it is our position that focusing time and resources on motions to dismiss at this time would be an unnecessary and inefficient distraction at this point and declined to engage in this process.

Please advise if Your Honors require anything else prior to the conference.

Respectfully,

A handwritten signature in blue ink, appearing to read "Adam M. Slater", with a long horizontal stroke extending to the right.

ADAM M. SLATER